

SEP - 6 2005

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE**

**KENNETH COLE and  
BRIGITTE L. BROWN,**

**Plaintiffs,**

**V.**

**DELAWARE TECHNICAL AND  
COMMUNITY COLLEGE,**

**Defendant.**

**C.A. NO. 05-270 (KAJ)**  
**(Consolidated)**

## JURY TRIAL DEMANDED

**PLAINTIFFS' RULE 26(a) PRE-DISCOVERY DISCLOSURES**

Plaintiffs, Brigitte L. Brown and Kenneth Cole by and through their undersigned attorney, hereby exchange the following Pre-Discovery Disclosures, pursuant to Fed. R. Civ. P. 26(a)(1).

## RESERVATIONS

1. Plaintiffs' Initial Disclosures are made without waiver of, or prejudice to, any objections Plaintiffs may have. Plaintiffs expressly reserve all objections, including, but not limited to: (a) relevance; (b) attorney-client privilege; (c) work-product protection; (d) any other applicable privilege or protection under federal or state law; (e) undue burden; (f) materiality; (g) overbreadth; (h) the admissibility in evidence of these Initial Disclosures of the subject matter thereof; and (i) producing documents containing information disclosed or transmitted to any state or federal agency, to the extent such information is confidential and not required to be disclosed under applicable law. All objections are expressly preserved, as are Plaintiffs' right to move for a protective order. Plaintiffs reserves the right to retract any inadvertent disclosures of information or

documents that are protected by the attorney-client privilege, the work product doctrine or any other applicable protection.

2. Plaintiffs have not completed their investigation of this case and reserve the right to clarify, amend, modify, or supplement the information contained in these Initial Disclosures if and when it obtains supplemental information, to the extent required by the Federal Rules of Civil Procedure.

3. Plaintiffs' Initial Disclosures are made subject to and without limiting any of the foregoing.

**PLAINTIFFS' RULE 26(a) PRE-DISCOVERY DISCLOSURES**

I. The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to the disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

**ANSWER:**

1. Plaintiff, Brigitte L. Brown, who can be contacted through her attorney, Jeffrey K. Martin or Keri L. Morris, Margolis Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware 19806, 302-777-4680.
2. Plaintiff, Kenneth Cole, who can be contacted through his attorney, Jeffrey K. Martin or Keri L. Morris, Margolis Edelstein, 1509 Gilpin Avenue, Wilmington, Delaware 19806, 302-777-4680.
3. Eugene Barnes, Program Manager of the Upward Bound Classic Program at Delaware Technical and Community College.
4. Tonia Conley, Student Enrichment Coordinator of Upward Bound Classic at Delaware Technical and Community College.
5. Ann Del Negro, Manager of Corporate and Community Programs at Delaware Technical and Community College.

6. Rosetta Henderson, Program Manager of Upward Bound Math/Science at Delaware Technical and Community College.
7. Paul Morris, Program Manager, Talent Search at Delaware Technical and Community College.
8. Mary Shields, Human Resources Department at Delaware Technical and Community College.
9. Cara Stanard, Human Resources Department at Delaware Technical and Community College.
10. Kate Sullivan, Program Manger for Upward Bound Classic at Delaware Technical and Community College.
11. Elizabeth Wilson, Upward Bound Math/Science Secretary at Delaware Technical and Community College.
12. Sue Zawislak, Director of Corporate and Community Programs at Delaware Technical and Community College.
13. Plaintiff reserves the right to identify additional witnesses in the future. Plaintiff further reserves the right to utilize any and all of Defendant's witnesses.

II. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings.

**ANSWER:**

1. Office newsletter titled, "Corporate and Community Programs Division Stanton/Wilmington August 2002 Update."
2. Memo to all Corporate and Community Programs Staff from Susan E. Zawislak, dated September 9, 2002 entitled "CCP August Update Revision."
3. Room Measurements, of existing and proposed layout.
4. Email to Dr. S. Zawislak, CCP Director, and Ann Del Negro, from Brigitte Brown, Kenneth Cole, and Elizabeth Wilson, dated August 14, 2002.
5. Email to Dr. S. Zawislak, CCP Director, from Brigitte L. Brown regarding the pending move, dated August 30, 2002.

6. Email to Dr. Connie Winners, Assistant Campus Director from Brigitte L. Brown, Kenneth Cole, and Elizabeth Wilson, dated October 7, 2002 entitled "East Building Youth Program Move."
7. Memorandum from Dr. Connie Winners to Brigitte L. Brown, Kenneth Cole, and Elizabeth Wilson Memorandum dated October 8, 2002 entitled "East Building Youth Program Move."
8. Memorandum from Brigitte L. Brown to Dr. Connie Winner dated October 15, 2002 entitled "Youth Program Move."
9. Letter to Ms. Henderson from Dr. Walker, confirming Brigitte L. Brown's appointment with her for work-related stress, dated October 22, 2002.
10. Letter from Larry Miller, Vice President and Campus Director, to Brigitte L. Brown, dated October 8, 2002 entitled "Performance Issues."
11. Various documents from the DDOL files.
12. Email message to Ken Cole from Rosetta Henderson dated September 19, 2002 entitled "Re: working hours."
13. Memorandum from Susan E. Zawislak to Kenneth Cole dated September 25, 2002 entitled "Grievance (W03-102)."
14. Memorandum to Lawrence H. Miller from Kenneth Cole hand delivered to Mr. Miller's office October 7, 2002, entitled "Supplement to Grievance Retaliatory Actions."
15. Memorandum from Lawrence H. Miller to Kenneth Cole, dated October 8, 2002 entitled "Supplement to Grievance."
16. Memorandum from Rosetta M. Henderson to Dr. Zawislak dated October 10, 2002 entitled "SEC's Monthly Calendars."
17. Memorandum from Lawrence H. Miller to Kenneth Cole dated October 28, 2002 entitled "Grievance W03-102."
18. Grievance Form Step Three dated November 4, 2002.
19. Memorandum from Rosetta M. Henderson to Sue Zawislak, dated November 13, 2002 entitled "Kenneth Cole."

20. Various diagrams submitted to DDOL showing the current set-up of the 4<sup>th</sup> floor of the office building and proposed changes.
21. Copy of the Delaware Technical & Community College Wilmington Campus existing grant page 92.

III. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**ANSWER:**

To be provided at a later date.

IV. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**ANSWER:**

Not applicable.

MARGOLIS EDELSTEIN

  
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Jeffrey K. Martin (#2407)  
Keri L. Morris (#4656)  
1509 Gilpin Avenue  
Wilmington, DE 19806  
(302) 777-4680  
(302) 777-4682 fax  
[jmartin@margolisedelstein.com](mailto:jmartin@margolisedelstein.com)  
[kmorris@margolisedelstein.com](mailto:kmorris@margolisedelstein.com)  
Attorneys for Plaintiffs

Dated: September 1, 2005

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## CERTIFICATE OF SERVICE

I, Keri L. Morris, do hereby certify that on September 1, 2005 I caused two (2) true and correct copies of the foregoing ***Plaintiff's Pre-Discovery Disclosures*** to be sent via U.S.

Mail postage pre-paid to the following:

David H. Williams, Esquire  
Jennifer L. Brierley, Esquire  
Morris, James, Hitchens & Williams, LLP  
222 Delaware Avenue  
P.O. Box 2306  
Wilmington, DE 19899-2306

MARGOLIS EDELSTEIN

*Keri L. Morris*  
Jeffrey K. Martin (#2407)  
Keri L. Morris (#4656)  
1509 Gilpin Avenue  
Wilmington, DE 19806  
(302) 777-4680  
(303) 777-4682 fax  
[jmartin@margolisedelstein.com](mailto:jmartin@margolisedelstein.com)  
[kmorris@margolisedelstein.com](mailto:kmorris@margolisedelstein.com)  
Attorneys for Plaintiffs

Dated: September 1, 2005